

Bedford Hills, New York
January 17, 2012

The second meeting for the month of January of the Town Board of the Town of Bedford was held on January 17, 2012 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:00 P.M. by Supervisor Roberts.

Present:	Lee V. A. Roberts	: Supervisor
	Peter Chryssos	: Councilman
	Francis T. Corcoran	: Councilman
	Chris Burdick	: Councilman
	David Gabrielson	: Councilman
	Lisbeth Fumagalli	Town Clerk
	Joel H. Sachs	: Town Attorney
	Jeffrey Osterman	: Director of Planning
	William Hayes	: Chief of Police
	Kevin Winn	: Commissioner of Public Works
	Edward Ritter	: Town Comptroller

And eleven (11) residents/observers.

APPROVAL OF CLAIMS

On a motion by Mrs. Roberts, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes:	Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays:	None
Absent:	None

RESOLVED, that the following claims for 2011 be allowed for payment from their respective funds,

	2011
Paid Prior to Audit	\$ 180,749.01
General Fund	30,115.13
Highway Fund	19,686.43
Consolidated Water District	21,451.39
Cedar Downs Water District	35.00
Farms Water District	35.00
Old Post Road Water District	100.00
Energy	4,650.58
Special Districts:	
Bedford Village Memorial Park	866.09
Bedford Hills Memorial Park	806.63
Katonah Memorial Park	618.64
Capital Projects	<u>201,513.75</u>
	\$ 460,647.65

On a motion by Mrs. Roberts, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes:	Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays:	None
Absent:	None

RESOLVED, that the following claims for 2012 be allowed for payment from their respective funds,

	2012
General Fund	\$ 55,648.67
Highway Fund	116,512.12
Consolidated Water District	10,834.31
Drug Abuse	63.46
Special Districts:	
Bedford Village Memorial Park	4,029.18
Bedford Hills Memorial Park	4,229.20
Katonah Memorial Park	4,029.20
Bedford Hills Lighting District	595.37
Katonah Lighting District	<u>652.90</u>
	\$ 196,594.41

MONTHLY REPORTS

Building	Finance	Recreation & Parks
Code Enforcement	Justice Court	Town Clerk
Dog Control	Parking	Water
Department of Public Works	Police Consolidated	

Mrs. Roberts advised that these reports were available for review during normal business hours in the offices of the Supervisor and Town Clerk.

DEPARTMENTS

1. Presentation of NYS Comptroller Report.

Mrs. Fumagalli presented the report from the New York State Comptroller concerning the finances of the Town of Bedford to Supervisor Roberts and the Town Board. Mrs. Roberts offered her comments on the report.

2. Authorize addition of a new section/department to the budget for the Historic Building Preservation Commission.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby authorize the addition of a new section/department to the budget for the Historic Building Preservation Commission as follows, as per the memorandum dated January 12, 2012 from Edward Ritter, Comptroller.

1. Application fee: \$50.00
2. Escrow amount – to be determined by the Town Planner
3. Added to the budget entitled, “Historic Review Board” code 825 for charges related to the Historic Building Preservation Commission and escrow charge-backs.
4. Allocation of \$4,000 from the contingency fund for consultants in 2012.

3. Request to purchase vehicle for the Building Department.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby grant approval for the Building Department to purchase a 2012 Ford Fusion Hybrid, which has been budgeted in Capital Projects, and is on the New York State Contract #P65025 in the amount of \$25,602.68, as per the memorandum dated January 10, 2012 from Steven Fraietta, Building Inspector.

4. Declaration of Emergency – Addition to Westwood Contract.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

WHEREAS, on or about March 11, 2011, the Town Board entered into a License Agreement with Westwood Organic LLC (“Westwood”) with offices located at 1160 Mamaroneck Avenue, White Plains, New York in regard to processing yard waste, wood and debris at the Beaver Dam Facility located on Beaver Dam Road, Bedford Hills, New York; and

WHEREAS, as a result of an unforeseen quantity of debris being generated within the Town as a result of Hurricane Irene in August 2011 and the pre-Halloween snowstorm which occurred in October, 2011 there presently exists a massive and unsafe pile of debris at the Beaver Dam Facility which must be processed as soon as possible; and

WHEREAS, the Town Board believes that the present situation constitutes an unforeseen condition existing on public property which constitutes a threat to public health, safety and welfare, and

WHEREAS, the Town Board believes that it should modify the existing License Agreement with Westwood in regard to the processing of such storm debris material without going through the public bidding requirements set forth in Section 103 of the General Municipal Law, and

WHEREAS, the declaration of an emergency situation will allow the Town Board to enter into an amendment of the March 11, 2011 License Agreement with Westwood forthwith so that the debris pile will be processed and removed from the site as expeditiously as possible, therefore be it

RESOLVED, that the Town Board hereby declares that pursuant to General Municipal Law Section, 103, Subd. 4 an emergency exists in regard to the debris pile located at the Beaver Dam Road Facility and thus the Town Board hereby waives the competitive bidding requirements in regard to the processing of such materials, and it is further

RESOLVED, that the March 11, 2011 License Agreement between the Town Board and Westwood is hereby amended by the addition of Paragraph 17 attached hereto as an exhibit, which paragraph addresses the work to be undertaken by Westwood and the payment to be received by Westwood as well as credit to be received by the Town from Westwood for the processing of such debris, and it is further

RESOLVED that the Town Board will continue to seek reimbursement from the Federal Environmental Management Agency (“FEMA”) for the expenses being incurred by the Town in regard to the unforeseen situations which occurred in August 2011 and October 2011 and resulted in the present condition at the Beaver Dam Facility, and it is further

RESOLVED, that the amendment being approved herein constitutes a Type II Action under SEQRA, and it is further

RESOLVED that the Supervisor on behalf of the Town Board is hereby authorized to enter into the attached amendment and execute such other documents as may be appropriate.

CORRESPONDENCE

1. Katonah Fire Department request for approval for annual parade, Wednesday, June 6, 2012, and assistance of Police and Highway.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the request from Bennett Schuberg, Chief of the Katonah Fire Department, to hold the department’s annual parade on Wednesday, June 6, 2012, and

BE IT FURTHER RESOLVED that the Town Board does hereby approve the funding for the overtime for the Police and Department of Public Works while they assist the Fire Department for the parade.

PERSONNEL

1. Carol Parker request to be reappointed to the Wetlands Control Commission.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby reappoint Carol Parker to the Town of Bedford Wetlands Control Commission for a three (3) year term, January 20, 2012 to January 20, 2015.

NEW BUSINESS

1. NYSEG application for Special Use Permit.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby acknowledge the receipt of an application from New York State Electric and Gas (NYSEG) for a modification to an existing Special Use Permit and refers this matter to the Planning Board for their report back to the Town Board.

2. Authorize Supervisor to sign NYSEDA Agreement.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

WHEREAS, the Town of Bedford received a proposed grant from the New York State Energy Research and Development Authority ("NYSEDA") which contract would give a grant to the Town of Bedford in the net amount of \$83,279.00 in regard to leveraging the Energize Bedford Tool Kit and to market NYSEDA's financing program to small municipalities, subject to the terms and conditions sent forth in the contract documents; and

WHEREAS, the Town Board believes that it is in the interests of the Town to accept such grant money which will be administered by the Town; and

WHEREAS, the Town Board believes that entering into this contract grant with NYSEDA is an unlisted action under SEQRA, THEREFORE, it is

RESOLVED, that the Town Board hereby issues a Negative Declaration under SEQRA in conjunction with such grant contract, and it is further

RESOLVED, that the Town Board hereby approves such grant contract, and it is further,

RESOLVED, that the Town Supervisor on behalf of the Town is authorized to sign such grant contract and other documents as may be appropriate.

3. Discuss New Open Meetings Law regarding record accessibility – effective February 2, 2012.

Mrs. Fumagalli and Mr. Sachs reviewed the memorandum from Mr. Sachs dated January 12, 2012 concerning recent legislation enacted by the State of New York concerning the Open Meetings Law and record accessibility, under which, records that are to be discussed at an open meeting must be made available to the public prior to or at the meeting.

4. Set Work Session – Legislation and Budget.

The Town Board set a work session on legislation, capital projects and the budget for Monday, February 27, 2012 at 7:30pm at the Town House, 321 Bedford Road, Bedford Hills.

5. Set Executive Session to interview candidates for Wetlands Control Commission.

The Town Board set an executive session to interview candidates for the vacancy on the Wetlands Control Commission for Wednesday, February 15, 2012 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills.

6. Set Public Hearing for Affordable Affirmatively Furthering Fair Housing Units Ordinance.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick

Nays: None

Absent: None

RESOLVED that the Town Board does hereby set a public hearing to consider the Affordable Affirmatively Furthering Fair Housing Units Ordinance for Tuesday, February 7, 2012 at 7:30 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

7. Executive Session – Personnel.

On a motion by Mrs. Roberts, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick

Nays: None

Absent: None

RESOLVED that the Town Board does hereby wish to discuss matters of personnel in an executive session to be conducted at the conclusion of the regular meeting.

The Town Board adjourned to executive session at 9:12 pm.

Lisbeth Fumagalli, Town Clerk

Minutes of Execution Session
Town Board of the Town of Bedford
January 17, 2012

On January 17, 2012, at approximately 9:20 p.m. the Town Board voted to go into Executive Session to discuss the possible purchase of property by the Town and various personnel issues.

Attending the meeting were Supervisor Roberts, Town Board members Chryssos, Corcoran, Burdick and Gabrielson. Public Works Commissioner Kevin Winn and Town Attorney Joel Sachs were also present.

At the outset of the meeting, the Town Board unanimously voted to appoint Joel Sachs as Acting Deputy Town Clerk for the purpose of the Executive Session.

There followed a brief discussion about the possible acquisition of private property by the Town for a new highway garage. Kevin Winn briefly discussed this matter with the Town Board. No decisions were made and no votes were taken. Thereafter, Commissioner Winn left the room.

There followed a discussion concerning various appointments and vacancies to various Boards within the Town. No decisions were made and no votes were taken.

January 17, 2012 – Regular meeting - continued

There was a further discussion concerning Town personnel. No decisions were made and no votes were taken.

The Executive Session was adjourned at approximately 10:20 p.m.

Respectfully submitted,

Joel H. Sachs, Acting Deputy Town Clerk